

May 16, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

VENITA J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 4:18-CV-05135-RHW

**ORDER GRANTING MOTION FOR  
REMAND FOR FURTHER  
PROCEEDINGS**

Before the Court is the parties' Stipulated Motion for Remand. ECF No. 19. The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C §1381-1383f. AR 1-5, 12-30, 114, 141-42. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF Nos. 1 and 4. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 19. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** the Motion.

The Commissioner's decision to deny Plaintiff's application for disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to

1 sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council will  
2 determine whether the record supports a finding of disability. *Id.* at 2. If the case  
3 requires further development, the Appeals Council will remand the case to an  
4 Administrative Law Judge who shall: (1) reevaluate the medical opinions of the  
5 State Agency medical consultants and consultative examiner John A. Fackenall,  
6 D.O.; (2) if necessary, obtain appropriate medical expert evidence to provide a  
7 longitudinal overview and clarify the nature, severity, ad limiting effects of  
8 Plaintiff's medically determinable upper extremity impairment throughout the  
9 period at issue; (3) in light of the above findings, reassess Plaintiff's residual  
10 functional capacity and intensity, persistence, and limiting effects of Plaintiff's  
11 symptoms, consistent with Social Security Ruling 16-3p; and (4) if necessary,  
12 obtain additional vocational expert testimony. *Id.* The parties also agree that  
13 Plaintiff may present new arguments and further medical evidence, if such  
14 evidence becomes available. *Id.* The parties stipulate that reasonable attorney fees  
15 may be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon  
16 proper request to the Court. *Id.*

17           Accordingly, **IT IS HEREBY ORDERED:**

- 18           1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.
- 19           2. The Commissioner's decision is **REVERSED** and this matter is  
20           **REMANDED** for further administrative proceedings consistent with this  
21           order.
- 22           3. All pending motions in this matter are now moot.
- 23           4. Reasonable attorney fees may be awarded under the Equal Access to  
24           Justice Act, 28 U.S.C. § 2412 and/or 28 U.S.C. § 1920, upon proper request  
25           to the Court.

26           ///

27           ///

28           ///

5. The District Court Executive shall enter judgment for the Plaintiff and against Defendant.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, forward copies to counsel, and **close the file**.

**DATED** this 16th day of May, 2019.

s/Robert H. Whaley  
ROBERT H. WHALEY  
Senior United States District Judge